IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 8329 of 2007(N)

PETITIONER:

DIVAKARAN, S/O.KARAPPAKKUTTY,
AGED 64 YEARS, PATHYALA HOUSE, MULLASSERY VILLAGE,
THRISSUR DISTRICT.

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENTS:

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1. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. MULLASSERRY GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
MULLASSERRY, THRISSUR DISTRICT.

3. THE HON'BLE OMBUDSMAN FOR LOCAL SELF
GOVERNMENT, THIRUVANANTHAPURAM.

R1 BY GOVERNMENT PLEADER (SHRI BASANTH BALAJI)

R2 BY ADV. SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 8329 OF 2007 N

Dated this the 3rd August, 2007

JUDGMENT

Petitioner challenges Ext.P7. One of the grounds taken by petitioner is that he had approached this Court earlier and by Ext.P6 Judgment dated 28.11.2006, this Court directed that the second respondent Government will hear the petitioner also before taking a decision on the application for sanction to prosecute the petitioner, submitted by the first respondent Panchayat, if the Government has not so far taken a decision. By Ext.P7, the Government has decided to grant sanction. One of the contentions taken is that the petitioner was not heard before passing Ext.P7. Heard the learned Government Pleader appearing for first respondent and also the learned counsel appearing for the second respondent Panchayat. They do not dispute that the petitioner was not heard by Ext.P7 was passed. I feel that in view of Ext.P6 Judgment, Ext.P7 cannot be sustained as the petitioner was not heard. Accordingly, Ext.P7

is quashed and the first respondent is directed to afford an opportunity of hearing to the petitioner and the second respondent and take a decision afresh in the matter in accordance with law, within a period of six weeks from the date of receipt of a copy of this Judgment. I make it clear that I have not pronounced on the other contentions raised by the petitioner against Ext.P7. I leave open the same.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.